

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARK IANTOSCA

Plaintiff,

-against-

ELIE TAHARI LTD.,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/11/2020

1:19-cv-4527-MKV

ORDER

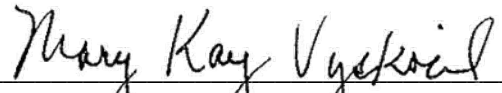
MARY KAY VYSKOCIL, United States District Judge:

On August 5, 2020, the Court held a hearing on the parties' cross-motions for summary judgment [ECF ## 11, 40]. Counsel for both parties was in attendance.

In both its memorandum of law opposing Plaintiff's Motion for Summary Judgment [ECF # 40] and at the hearing, Defendant raised arguments regarding whether the photo filed in connection with copyright registration VA-2-150-161 is in fact the photo it is accused of posting to various social media profiles in violation of the United States Copyright Act, 17 U.S.C. §§ 101, *et seq.* While Defendant never obtained a deposit copy of the work on file with the United States Copyright Office during discovery in order to substantiate this claim, for the reasons discussed on the record at the conference, and with the consent of both parties, the Court will request the deposit copy. Defendant shall bear any cost associated with obtaining the deposit copy.

SO ORDERED.

**Date: August 11, 2020
New York, NY**


MARY KAY VYSKOCIL
United States District Judge